

2 Ct  
Propo

**ORIGINAL**

(91)  
3/14/01  
vfy

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and  
in his official capacity, et al.,

Defendants

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

**FILED**  
HARRISBURG, PA

MAR 13 2001

MARY E. D'ANDREA, CLERK  
Per *[Signature]*  
Deputy Clerk

**MOTION OF DEFENDANTS FOR ENLARGEMENT OF TIME TO FILE BRIEF IN  
OPPOSITION TO PLAINTIFF'S MOTION TO REQUIRE SIGNING OF AFFIDAVITS**

Defendants hereby move for an enlargement of time to file a brief in opposition to plaintiff's motion to require signing of affidavits. In support of this motion, defendants assert the following:


1. This is a civil rights action seeking a relief for various constitutional violations by prison officials.
2. As evidenced by the date on the postage meter, on February 23, 2001, plaintiff served four motions on defendants, including a motion to require signing of affidavits.
3. The Court has ruled on one motion and defendants have filed a brief opposing another, but there has not been sufficient time to prepare briefs for the other two motions by the date they are due, March 13, 2001.
4. Accordingly, defendants request an enlargement of time of one week, or until March 20, 2001, to file a brief in opposition to plaintiff's motion to require signing of affidavits.
6. This short enlargement of time will not unduly delay this matter nor will it prejudice the plaintiff.

**WHEREFORE**, defendants request an enlargement of time of a week, or until March 20, 2001, to file their brief in opposition to plaintiff's motion.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By:

  
**MICHAEL L. HARVEY**  
Senior Deputy Attorney General  
Attorney I.D. #30098

**SUSAN J. FORNEY**  
Chief Deputy Attorney General  
Chief, Litigation Section

**Counsel for DEFENDANT**  
**CHRISTOPHER O'BRIEN**

**OFFICE OF ATTORNEY GENERAL**  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
**PHONE: (717) 787-6896**  
**FAX: (717) 772-4526**  
**DATE: March 13, 2001**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and  
in his official capacity, et al.,

Defendants

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Motion of Defendants for Enlargement of Time to File Brief in Opposition to Plaintiff's Motion to Require Signing of Affidavits, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

John Richard Jae, BQ-3219  
SCI-Greene  
175 Progress Drive  
Waynesburg, PA 15370-2902

  
MICHAEL L. HARVEY  
SENIOR DEPUTY ATTORNEY GENERAL

DATE: March 13, 2001